

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02846-CRC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
JUSTICE et al

Assigned to: Judge Christopher R. Cooper

Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

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Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

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Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

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Defendant

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

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Defendant

**U.S. CITIZENSHIP AND
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Date Filed	#	Docket Text
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12/04/2018	<u>1</u>	COMPLAINT against U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-5822781) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT. (Yenouskas, Joseph) Modified event title on 12/17/2018 (znmw). (Entered: 12/04/2018)
12/04/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John M. Ilardo, :Firm- Goodwin Procter LLP, :Address- 100 Northern Avenue, Boston, MA 02210. Phone No. - (617) 570-1523. Fax No. - (617) 523-1231 Filing fee \$ 100, receipt number 0090-5823117. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of John M. Ilardo, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Glenn S. Kerner, :Firm- Goodwin Procter LLP, :Address- 620 Eighth Avenue, New York, NY 10018. Phone No. - (212)459-7460. Fax No. - (212)355-3333 Filing fee \$ 100, receipt number 0090-5823128. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Glenn S. Kerner, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephen L. Taesuch, :Firm- Goodwin Procter LLP, :Address- 3 Embarcadero Center, San Francisco, CA 94111. Phone No. - (415) 733-6180. Fax No. - (415) 677-9041 Filing fee \$ 100, receipt number 0090-5823134. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Stephen L. Taesuch, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018		Case Assigned to Judge Christopher R. Cooper. (zef,) (Entered: 12/10/2018)
12/07/2018	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN OVERSIGHT.(Yenouskas, Joseph) (Entered: 12/07/2018)
12/10/2018	<u>7</u>	SUMMONS (7) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 12/10/2018)
01/02/2019	<u>8</u>	NOTICE of Appearance by Austin Ridgely Evers on behalf of AMERICAN OVERSIGHT (Evers, Austin) (Entered: 01/02/2019)
01/10/2019	<u>9</u>	MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>9</u> Defendants' Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/10/2019. (lcrc2) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice of Attorney John M. Ilardo. Signed by Judge Christopher R. Cooper on 1/10/2019. (lcrc2) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>4</u> Motion for Leave to Appear Pro Hac Vice of Attorney Glenn S. Kerner. Signed by Judge Christopher R. Cooper on 1/10/2019. (lcrc2) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice of Attorney Stephen L. Taesuch. Signed by Judge Christopher R. Cooper on 1/10/2019. (lcrc2) (Entered: 01/10/2019)
01/28/2019	<u>10</u>	NOTICE of Restored Government Funding by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 01/28/2019)

		01/28/2019)
02/01/2019		MINUTE ORDER: In light of the <u>10</u> Notice of Restored Government Funding, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 2/8/2019 (lsj) (Entered: 02/01/2019)
02/08/2019	<u>11</u>	Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: In light of <u>11</u> the parties' joint status report, Defendants shall answer Plaintiff's complaint on or before February 28, 2019. In addition, the parties shall file a joint status report that addresses the processing of Plaintiff's FOIA request and proposes a schedule for further proceedings on or before March 15, 2019. Signed by Judge Christopher R. Cooper on 2/8/2019. (lccrc2) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Answer due by 2/28/2019. Proposed Briefing Schedule due by 3/15/2019 (lsj) (Entered: 02/08/2019)
02/28/2019	<u>12</u>	ANSWER to Complaint by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.(Clark, Denise) (Entered: 02/28/2019)
02/28/2019		VACATED PURSUANT TO MINUTE ORDER.....MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by March 21, 2019. Signed by Judge Christopher R. Cooper on 2/28/2019. (lccrc2) Modified on 3/1/2019 (zlsj). (Entered: 02/28/2019)
02/28/2019		MINUTE ORDER: The Court's previous order entered on February 28, 2019 is hereby vacated. The parties should continue to adhere to the schedule set forth in the Court's minute order entered on February 8, 2019: the parties shall file a joint status report that addresses the processing of Plaintiff's FOIA request and proposes a schedule for further proceedings on or before March 15, 2019. Signed by Judge Christopher R. Cooper on 2/28/2019. (lccrc2) (Entered: 02/28/2019)
03/01/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019 (lsj) (Entered: 03/01/2019)
03/04/2019	<u>13</u>	ENTERED IN ERROR. . . .NOTICE of Filing Proof of Service by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Yenouskas, Joseph) Modified on 3/5/2019 (ztd). (Entered: 03/04/2019)
03/05/2019		NOTICE OF ERROR re <u>13</u> Notice (Other); emailed to jyenouskas@goodwinlaw.com, cc'd 10 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Please use the correct events under Service of Process, Summons Returned Executed as to. . . (ztd,) (Entered: 03/05/2019)
03/05/2019	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/17/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2018. (Answer due for ALL FEDERAL DEFENDANTS by 1/11/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Yenouskas, Joseph) (Entered: 03/05/2019)
03/15/2019	<u>15</u>	ENTERED IN ERROR.... MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND

		BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) Modified on 3/18/2019 (znmw). (Entered: 03/15/2019)
03/15/2019	<u>16</u>	STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit 1)(Yenouskas, Joseph) (Entered: 03/15/2019)
03/18/2019		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>15</u> MOTION for Extension of Time to <i>File Joint Status Report</i> was entered in error and counsel is instructed to refile said pleading with attorney signature/signature block.. (znmw) (Entered: 03/18/2019)
03/18/2019	<u>17</u>	MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 03/18/2019)
03/20/2019	<u>18</u>	Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 03/20/2019)
03/22/2019		MINUTE ORDER granting <u>17</u> Motion for Extension of Time to File Joint Status Report. Upon consideration of the parties' positions as set forth in <u>18</u> the joint status report of March 20, 2019, the parties shall file an updated joint status report on or before April 17, 2019. In that status report, the Defendant shall provide a meaningful and detailed estimate for the processing of Plaintiff's request. Signed by Judge Christopher R. Cooper on 3/22/2019. (lccrc2) (Entered: 03/22/2019)
03/22/2019		Set/Reset Deadlines: Joint Status Report due by 4/17/2019 (lsj) (Entered: 03/22/2019)
04/17/2019	<u>19</u>	Unopposed MOTION for Extension of Time to <i>File Joint status report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 04/17/2019)
04/18/2019		MINUTE ORDER granting <u>19</u> Defendants' Motion for Extension of Time to file Joint Status Report. The parties shall file the joint status report by April 18, 2019. Signed by Judge Christopher R. Cooper on 4/18/2019. (lccrc2) (Entered: 04/18/2019)
04/18/2019		Set/Reset Deadlines: Joint Status Report due by 4/18/2019 (lsj) (Entered: 04/18/2019)
04/19/2019	<u>20</u>	Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 04/19/2019)
04/19/2019	<u>21</u>	MOTION for Extension of Time to <i>File Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 04/19/2019)
05/07/2019		MINUTE ORDER granting <u>21</u> Motion for Extension of Time to File Joint Status Report. The Court hereby accepts for filing the joint status report filed on April 19, 2019. After considering the parties' positions as set forth in that status report, the Court ORDERS the parties to file an updated joint status report on or before May 15, 2019, and to appear for a status conference on May 17, 2019 at 10:30 a.m. in Courtroom 27A. Signed by Judge Christopher R. Cooper on 5/7/2019. (lccrc2) (Entered: 05/07/2019)
05/07/2019		Set/Reset Deadlines/Hearings: Status Report due by 5/15/2019 Status Conference set for 5/17/2019 at 10:30 AM in Courtroom 27A before Judge Christopher R. Cooper.

		(znbn) (Entered: 05/07/2019)
05/10/2019		Set/Reset Hearings: Status Conference reset for 5/17/2019 at 11:30 AM in Courtroom 27A before Judge Christopher R. Cooper, at the request of the parties. (lsj) (Entered: 05/10/2019)
05/13/2019	<u>22</u>	NOTICE of Appearance by Hart W. Wood on behalf of AMERICAN OVERSIGHT (Wood, Hart) (Entered: 05/13/2019)
05/15/2019	<u>23</u>	Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 05/15/2019)
05/16/2019	<u>24</u>	NOTICE of Appearance by Elizabeth France on behalf of AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 05/16/2019)
05/17/2019		Minute Entry for Status Conference held before Judge Christopher R. Cooper on 5/17/2019. Forthcoming Order. (Court Reporter: Crystal Pilgrim) (lsj) (Entered: 05/17/2019)
05/17/2019		MINUTE ORDER: In light of today's status conference, the parties are hereby ordered to meet and confer to discuss the narrowing of search terms to avoid redundancies with documents included in the Department of Justice's response to the Congressional request for records discussed in the prior joint status report. The parties shall file an updated joint status report on or before June 17, 2019, which must include a description of the revised search parameters. It is further ordered that all Defendant Agencies shall complete their initial searches (using the revised search terms) by July 31, 2019, and provide to the Plaintiff and the Court a description of the returns of those searches on or before August 16, 2019. Signed by Judge Christopher R. Cooper on 5/17/2019. (lccrc2) (Entered: 05/17/2019)
05/17/2019		Set/Reset Deadlines: Description of returns of searches due by 8/16/2019. Status Report due by 6/17/2019 (lsj) (Entered: 05/17/2019)
06/17/2019	<u>25</u>	Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 06/17/2019)
08/16/2019	<u>26</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Taeusch, Stephen) (Entered: 08/16/2019)
08/19/2019		NOTICE OF ERROR re <u>26</u> Status Report; emailed to STaeusch@goodwinlaw.com, cc'd 14 associated attorneys — The PDF file you docketed contained errors: 1. FYI – If you are electronically filing any document, your name/information must be on the document and on the signature line. (ztd,) (Entered: 08/19/2019)
08/20/2019		MINUTE ORDER: In light of the parties' <u>26</u> August 16, 2019 joint status report, the Court hereby ORDERS that by September 16, 2019, the parties meet and confer in a good faith effort to narrow plaintiff's various requests so as to reduce the volume of potentially responsive records that require processing and avoid overlap with plaintiff's pending requests in other cases. The parties shall report on their progress in a further joint status report to be filed on or before October 1, 2019. In that report, defendants shall update the Court on their search in response to the "Jeff Sessions FOIA," including a more detailed explanation of the "capacity issues with its system" that have prevented the search from being commenced to date. Meanwhile, ICE and USCIS shall continue processing the "DHS Keywords FOIA" at a rate of 500 pages per month, with rolling monthly productions, and DHS shall process the request at a rate of 250 pages per month. The Court may revisit these processing rates depending on the parties' efforts to narrow and/or prioritize the pending searches. SO ORDERED. Signed by Judge Christopher R. Cooper on 8/20/2019. (lccrc1) (Entered: 08/20/2019)
08/20/2019		Set/Reset Deadlines: Joint Status Report due by 10/1/2019 (lsj) (Entered: 08/20/2019)